

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Plaintiff Claudia Martinez filed a complaint in state court against Indymac Mortgage Services and Freddie Mac (collectively “Defendants”) on June 1, 2011. *See* ECF No. 1. On January 9, 2012, Defendants removed this case to federal court. On January 20, 2012, Defendants filed a Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment pursuant to Federal Rules of Civil Procedure 12(b)(6) and 56. *See* ECF No. 5. Plaintiff declined to proceed before a magistrate judge on January 24, 2012, and the case was reassigned to the undersigned judge on January 26, 2012. ECF Nos. 8, 10. On February 3, 2012, Defendants filed a renewed Motion to Dismiss the complaint or in the alternative a Motion for Summary Judgment. ECF No. 11. Pursuant to Civil Local Rule 7-3(a), Plaintiff’s opposition to the motion to dismiss was due on February 17, 2012. Plaintiff has not filed an opposition or statement of non-opposition to Defendants’ motion.

On April 27, 2012, the Court ordered plaintiff to show cause why this case should not be dismissed for failure to prosecute. ECF No. 13. The order to show cause ordered Plaintiff to respond to the order to show cause by May 10, 2012, and to appear at the hearing on the order to show cause on May 24, 2012 at 1:30 p.m. The order stated that if Plaintiff failed to respond to the order and failed to appear at the May 24, 2012 hearing, this case would be dismissed with prejudice for failure to prosecute. Plaintiff failed to respond to the order to show cause and failed to appear at the order to show cause hearing. Accordingly, the Court DISMISSES this case with prejudice for failure to prosecute. The Clerk shall close the file.

IT IS SO ORDERED.

Dated: May 24, 2012


LUCY H. KOH
United States District Judge

United States District Court
For the Northern District of California